

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HYEGATE, LLC, ET AL.,

Petitioners,

- against -

ASHOT BOGHOSSIAN,

Respondent

JOHN G. KOELTL, District Judge:

Subject matter jurisdiction in this case is purportedly based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(2). See Petition ¶ 11. However, one of the petitioners, Aragats Perlite OJSC, and the respondent, Ashot Boghossian, both appear to be foreign citizens. A corporation of a foreign state is considered a citizen of that foreign state for purposes of diversity jurisdiction. JPMorgan Chase Bank v. Traffic Stream (BVI) Infrastructure Ltd., 536 U.S. 88, 91 (2002). There is not complete diversity where one side has citizens and an alien and the other side has only an alien. See, e.g., Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 580 n.2 (1999); Universal Licensing Corp. v. Paola del Lungo S.p.A., 293 F.3d 579, 581 (2d Cir. 2002).

The petitioners should submit a letter by June 23, 2021 explaining why the Court should not dismiss the case for lack of subject matter jurisdiction.

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MEMORANDUM OPINION
AND ORDER

Moreover, for purposes of subject matter jurisdiction, citizenship of LLCs is determined by the citizenship of the members of the LLC. See Bayerische Landesbank, New York Branch v. Aladdin Cap. Mgmt. LLC, 692 F.3d 42, 49 (2d Cir. 2012). The petitioners should also include the citizenship of the members of the petitioner-LLCs in their letter addressing the apparent lack of complete diversity.

SO ORDERED.

Dated: New York, New York
June 16, 2021



John G. Koeltl
United States District Judge